

identifying a transformed plant cell or tissue to be introduced into the plant cell or tissue to produce an *Agrobacterium*-inoculated explant;

- (b) co-culturing said *Agrobacterium* inoculated explant in a vessel not containing media;
- (c) identifying and selecting a cell or tissue transformed with said genetic component; and
- (d) regenerating a fertile transgenic plant therefrom.

2. (amended) The method of claim 1 wherein the regenerable cell or tissue is an immature embryo and is precultured prior to step (a).

3. (amended) The method of claim 1 further comprising the addition of water in an amount of between 50 – 300 microliters to said vessel at the co-culture step.

Please cancel Claim 4.

5. (amended) The method of claim 3 wherein the weight of the *Agrobacterium*-inoculated explant is reduced by up to 30% during the co-culture period.

Please cancel Claim 6.

7. (amended) The method of claim 3 wherein the co-culture period is from one hour to about 6 days.

8. (amended) The method of claim 3 wherein the co-culture period is from about one day to about 4 days.

9. (amended) The method of claim 3 wherein the co-culture period is from about one day to about 3 days.

Please cancel claims 10-17.

#### Remarks

Applicant respectfully requests reconsideration of the rejections in view of the foregoing amendments and the following remarks. Claims 1-3, 5 and 7-9 remain pending.

#### Section 112, second paragraph, rejection

The prior set of claims stood rejected under Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as their invention. In particular, the Patent Office has objected to certain phrases as lacking clarity or having proper antecedent basis. It is believed that Applicants have clarified the now pending claims to remove these objections and respectfully requests withdrawal of this rejection.